



U.S. POSTAL REGULATORY COMMISSION  
Washington, DC 20268-0001

Office of the Secretary

October 22, 2012

Congressman Henry A. Waxman  
8436 West Third Street, Suite 600  
Los Angeles, CA 90048-4183

Re: Appeal of the Postal Service's Determination to Close the Santa Monica Post Office, Santa Monica, California, Docket No. A2013-1

Dear Congressman Waxman:

Enclosed please find a Motion of the United States Postal Service to Dismiss the appeal of the Santa Monica Post Office. Pursuant to rule 39 CFR 3025.2(c), responses are due 10 days after any such motion is filed. The due date for such response is October 29, 2012.

Sincerely,



Shoshana M. Grove  
Secretary

Enclosure

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Santa Monica Post Office  
Santa Monica, California 90401  
(Congressman Henry A.  
Waxman, Petitioner)

Docket No. A2013-1

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**MOTION OF UNITED STATES POSTAL SERVICE  
TO DISMISS PROCEEDINGS**  
(October 19, 2012)

This matter commenced with a letter received by the Postal Regulatory Commission that purports to invoke its jurisdiction under 39 U.S.C. § 404(d) to consider an appeal of an alleged Postal Service decision to discontinue the Santa Monica Main Post Office.<sup>1</sup> As described in the Postal Service's notifications provided to customers, the Santa Monica Post Office is being relocated; not discontinued.<sup>2</sup> The Postal Service has consistently maintained that the scope of section 404(d)(5) is limited to the discontinuance of a Post Office, and does not apply to the relocation of a Post Office; since the Santa Monica Post Office continues to operate and will continue to exist it is not undergoing discontinuance. Because the Petitioner's appeal concerns the relocation of a Post Office, an event that falls outside the scope of 39 U.S.C. § 404(d)(5), and separately because the Petition itself is legally insufficient to

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<sup>1</sup> Petition for Review Received from Henry A. Waxman Regarding the Santa Monica, CA Post Office 90401, PRC Docket No. A2013-1 (October 9, 2012).

<sup>2</sup> See Exhibit 1, Notice of Approval (August 17, 2012), Dear Customer Letter (August 17, 2012), and Press Release (August 17, 2012).

invoke jurisdiction,<sup>3</sup> the Commission lacks subject matter jurisdiction and should dismiss the appeal.

#### PROCEDURAL HISTORY

By means of Order No. 1491 (October 10, 2012), the Commission docketed correspondence from Congressman Henry A. Waxman, assigning Docket No. A2013-1 as an appeal pursuant to 39 U.S.C. § 404(d). In accordance with Order No. 1491, the Postal Service is filing this responsive pleading.

#### FACTUAL BACKGROUND

Santa Monica is a community located in western Los Angeles County in the state of California. On June 26, 2012, the Postal Service notified customers of its proposal to relocate the Santa Monica Main Post Office, located at 1248 5<sup>th</sup> St., to the Santa Monica Carrier Annex, located at 1653 7<sup>th</sup> St.<sup>4</sup> The Carrier Annex is located less than one mile from the Main Post Office, and currently does not offer retail service or Post Office Box delivery. The notices issued by the Postal Service also informed customers that written comments would also be accepted until August 3, 2012 and that such comments could be mailed to the Pacific Facilities Service Office in San Francisco, California. On July 19, 2012, a public meeting was held to explain the Postal Service's proposal to customers and provide the community with the opportunity to comment. On August 17, 2012, customers of the Santa Monica Main Post Office were notified that the Los

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<sup>3</sup> The Petition does not state that that Petitioner is a customer served by the affected Post Office as the statute requires. 39 U.S.C. § 404(d)(5).

<sup>4</sup> See Exhibit 2, Dear Customer Letter (June 26, 2012), Press Release (June 26, 2012), and Notice of Public Meeting and Comment Period (June 26, 2012).

Angeles District of the Postal Service received approval to relocate retail operations from the Santa Monica Main Post Office, to the Santa Monica Carrier Annex.<sup>5</sup> Customers were also notified at this time that they had 15 days (September 3, 2012) to appeal the Postal Service's decision.

On October 4, 2012, Mr. Tom Samra, Vice President of Facilities, issued a revised final decision letter stating that the Postal Service was relocating the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Santa Monica Carrier Annex, located at 1653 7<sup>th</sup> St., which is less than one mile away from the Main Post Office. See Exhibit 3. The final decision addressed the following three major concerns raised by organizations and customers of the Santa Monica Post Office: (1) impact on historic resources; (2) the process used in connection with a relocation; and (3) negative impact the relocation of the Santa Monica Post Office might have on the community. See *Id.* The final decision recognized that the building housing the Santa Monica Post Office is eligible for listing in the National Register of Historic Places. However, the Postal Service concluded that Section 106 of the National Historic Preservation Act (NPHA) did not apply to the relocation action because the relocation of retail services is not an "undertaking" within the meaning of Section 106. Further, the final decision explained that the relocation of retail services neither alters the character of the Santa Monica Post Office building nor changes the use that can be made of the property. See *Id.* Mr. Samra also explained to customers that the proposed action constituted a relocation rather than a discontinuance and that customers will continue to have

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<sup>5</sup> See Exhibit 1.

the same level of access to services after retail service is transferred to the Carrier Annex. *See Id.*

Additionally, upon relocation, customers of the Santa Monica Main Post Office may obtain postal services at the Santa Monica Carrier Annex, and through <http://www.USPS.com/> and other alternate access options, including eleven stamp consignment sites and a Contract Postal Unit (CPU) within one mile of the Santa Monica Main Post Office's historic and historical location. *See* Exhibit 4 (printout from [www.usps.com](http://www.usps.com)) and USPS powerpoint slide.<sup>6</sup>

#### ARGUMENT

This matter raises the question of whether the Postal Regulatory Commission has jurisdiction to consider an appeal of the physical relocation of retail services. Petitioner's appeal is not within the scope of the Commission's jurisdiction under 39 U.S.C. § 404(d) and in any event was not filed by a customer of that office as the law requires. Section 404(d) does not apply to a relocation of operations at a postal retail facility. *See* Order No. 448, Order Dismissing Appeal, PRC Docket No. A2010-2, *Steamboat Springs, Colorado* (April 27, 2010) (ruling that the transfer of retail operations to a facility within the same community constituted a relocation or rearrangement of facilities, and 39 U.S.C. § 404(d) did not apply); PRC Order No. 696, PRC Docket No. A86-13, *Wellfleet, Massachusetts 02667* (June 10, 1986) (same where new location was 1.2 miles away from the former location); Order No. 436, PRC Docket No. A82-10, *Oceana Station* (June 25, 1982) (same where new location was four miles

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<sup>6</sup> Exhibit 4 uses the term "Post Office" for retail units staffed by postal employees, thus including stations, branches and Post Offices.

away from the former location). Section 404(d) of Title 39, U.S. Code, and implementing Postal Service regulations provide that an appeal under those provisions must concern a “discontinuance”, which is defined to embrace both “closings” and “consolidations”. See Handbook PO-101 §§ 111, 112.1 & Appendix A. None of these concepts applies here, as a “closing” involves the permanent discontinuance of a Postal Service operated retail facility “without providing a replacement facility in the community.” *Id.* A “consolidation” also has not occurred here, as that term is narrowly confined to an action that replaces a “Postal Service-operated retail facility with a contractor-operated retail facility.” *Id.*

The process for relocating retail operations within the same community is governed by 39 C.F.R. § 241.4; that process was followed to its completion. Accordingly, as a matter of law, the relief requested by the Petitioner is not available to Petitioner and should be denied.

In previous cases, the Commission has consistently concluded that a particular action affecting a postal retail facility constitutes relocation exempt from 39 U.S.C. § 404(d) if both the current site and the proposed future site of the retail facility reside in the same community. For instance, in 1982, the Commission upheld a Postal Service determination to close the Oceana Station in Virginia Beach as part of an overall plan to rearrange postal retail and delivery operations within the Virginia Beach community. The plan included the future establishment of a new retail facility within Virginia Beach and four miles away

from the site of Oceana Station.<sup>7</sup> Residents served by Oceana Station claimed that the change in retail operations qualified as a discontinuance under 39 U.S.C. § 404(d). In rejecting their claim, the Commission opined that in enacting Section 404(d), “Congress intended to permit the Postal Service to rely on less formal decision-making, and correspondingly, to give the Commission no jurisdiction to hear appeals of such decisions, when considering where retail facilities are to be located within the community.” Order No. 436, PRC Docket No. A82-10, *Oceana Station*, at 7 (June 25, 1982).

Following its decision in Oceana Station, the Commission provided further guidance when dismissing an appeal of the relocation of the Post Office in Wellfleet, Massachusetts. In that proceeding, the Postal Service had decided to move the Wellfleet Post Office from the center of the village of Wellfleet to a shopping center development approximately 1.2 miles away. The petitioners in that proceeding contended that the new location was actually within the neighboring village of South Wellfleet.<sup>8</sup> The Commission upheld the Postal Service position and characterized the Postal Service’s action as a relocation outside the scope of Section 404(d). The Commission explained:

If our record shows that the Postal Service is only relocating a [P]ost [O]ffice within a community, section 404([d]) does not apply and we must dismiss the appeal, since we have no jurisdiction. Section 404([d]) sets up a formal public decision[-]making process for only two types of actions concerning [P]ost [O]ffices – closing or consolidation. The meaning of “closing a [P]ost [O]ffice” as used in the statute is the elimination of a [P]ost [O]ffice from a community.

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<sup>7</sup> The City of Virginia Beach is relatively large at 307 square miles. See [http://www.vbgov.com/file\\_source/dept/comit/Document/vb\\_facts\\_and\\_figures.pdf](http://www.vbgov.com/file_source/dept/comit/Document/vb_facts_and_figures.pdf).

<sup>8</sup> Wellfleet and South Wellfleet are both villages within the Town of Wellfleet, Massachusetts. Given that village boundaries were unclear, the Commission held that Wellfleet involved a relocation rather than a discontinuance.

The Postal Service has the authority to relocate a [P]ost [O]ffice within a community without following the formal section 404(d) proceedings.

PRC Order No. 696, PRC Docket No. A86-13, *Wellfleet, Massachusetts 02667* (June 10, 1986) at 7 (internal citations omitted).

Further, in 2007, the Commission received an appeal relating to the Postal Service's decision to decommission the Ecorse Branch facility and open a new facility 1.7 miles away. In dismissing this appeal, the Commission concluded that "in light of offering retail services at the new facility and its close proximity to the Ecorse Branch, the community was not losing access to postal services and that the Postal Service's actions did not amount to a closing subject to section 404(d) review."<sup>9</sup> PRC Order No. 37, PRC Docket No. A2007-1, *Ecorse Classified Branch* (October 9, 2007) at 6-7.

More recently, the Commission dismissed two appeals with facts analogous to the instant case. The first involved relocation of the Post Office in Ukiah, California. In that controversy, the petitioners appealed the Postal Service's decision to relocate retail operations from the Ukiah Main Post Office to the Ukiah Carrier Annex, located one mile away. The Commission concluded that after retail services are transferred to the Ukiah Carrier Annex, customers will continue to have the same level of access to retail services in the community. Thus, the Commission found that the Postal Service's actions in Ukiah were a relocation of retail services within the community, and therefore not subject to

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<sup>9</sup> Order No. 804, PRC Docket No. A2011-21, *Ukiah Main Post Office*, August 15, 2011, at 3-4.



appeal under section 404(d). PRC Order No. 804, PRC Docket No. A2011-21, *Ukiah Main Post Office* (August 15, 2011) at 4.

The second involved an appeal regarding another Post Office located in Venice, California. In that proceeding, the Postal Service planned to relocate retail operations 400 feet across the street. Even though petitioners argued that the relocation amounted to a constructive closing, the Commission found this argument unpersuasive and again concluded that “the planned relocation of the Venice Main Post Office to the nearby carrier annex is not subject to review under section 404(d).” PRC Order No.1166, PRC Docket No. A2012-17, *Venice Main Post Office* (January 24, 2012) at 8.

The Postal Service's decision to transfer retail and delivery operations from the Santa Monica Main Post Office to the Santa Monica Carrier Annex constitutes a relocation as described in longstanding Commission precedent. Here, the Postal Service is relocating operations within the same community, and the former and future sites are located less than one mile apart. The Carrier Annex is readily accessible to pedestrians through the use of paved sidewalks and it is also accessible to customers who utilize public transportation through a bus station located directly across the street. More importantly, the Annex offers customers on-site and street parking whereas the Main Post Office location did not. In light of the current projections for declining mail volume and the Postal Service's current financial crisis, the decision to relocate the Santa Monica Post Office provides the Postal Service with the opportunity to offer the same level of service to the community at reduced cost. See Exhibit 3.

While the Petitioner argues that the Postal Service failed to comply “in a number of instances”<sup>10</sup> with the procedural requirements of 39 C.F.R. § 241.3 as part of its decision to relocate the Santa Monica Main Post Office, these procedures are inapplicable here because the facility is not being discontinued. Rather, the Postal Service’s decision here concerns a relocation under 39 C.F.R. § 241.4 (and those regulations were followed).

Thus, 39 U.S.C. § 404(d) and 39 C.F.R. § 241.3 do not apply. Accordingly, the Commission should dismiss the appeal.

#### CONCLUSION

For the reasons stated, the United States Postal Service respectfully requests that the Postal Regulatory Commission dismiss this appeal for lack of jurisdiction.

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
By its attorneys:

Anthony F. Alverno  
Chief Counsel, Global Business &  
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Adriene M. Davis

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Washington, D.C. 20260-1160  
(202) 268-6306; Fax -5329  
October 19, 2012

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<sup>10</sup> Petition at ¶ 3 (1) – (3).

# EXHIBIT 1

SANTA MONICA POST OFFICE



August 17, 2012

Dear Santa Monica Post Office Box Customer,

The U.S. Postal Service (USPS) has approved the relocation of the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Carrier Annex, located at 1653 7<sup>th</sup> St. USPS plans to sell the Santa Monica Post Office building after operations are moved. An implementation date has not been determined.

There will be no change in Santa Monica Post Office Box numbers or ZIP Code.

A community meeting was held in Santa Monica on July 19, and a written public comment period was open from June 26 through August 3, to gather customer comments. The relocation proposal and all public input received were then forwarded to USPS Headquarters in Washington, D.C., where the decision was made.

This decision may be appealed for 15 days from the date of this notice. An appeal must be postmarked by Sept. 3, 2012, and mailed to:

Vice President, Facilities  
Pacific Facilities Service Office  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-0200

The Santa Monica Post Office relocation and building sale is part of a nationwide response by the Postal Service to right-size its vast network, reduce costs and operate more efficiently in the face of dramatic decreases in mail volume and revenue, and other economic factors. The Postal Service does not receive tax dollars to fund its operations and facilities.

Sincerely,

Frank Ocegueda  
Officer-in-Charge



Aug 17, 2012

# **Notice of Approval**

## **Relocation of Santa Monica Post Office**

The U.S. Postal Service (USPS) has approved the relocation of the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Carrier Annex, located at 1653 7<sup>th</sup> St. USPS plans to sell the Santa Monica Post Office building after operations are moved. An implementation date has not been determined.

There will be no change in Santa Monica Post Office Box numbers or ZIP Code.

The reason behind this cost-reduction and revenue-generation plan is the alignment of USPS workforce and infrastructure with a 20 percent drop in total mail volume over the past three years due to a diversion to electronic communications and business transactions, and other economic factors. USPS does not receive tax dollars for its operations or facilities.

This decision may be appealed for 15 days from the date of this posting. An appeal must be postmarked by Sept. 3, 2012, and mailed to:

**Vice President, Facilities  
Pacific Facilities Service Office  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-0200**

FOR IMMEDIATE RELEASE  
Aug. 17, 2012

Media Contact: Richard Maher  
(O) 714-662-8350  
(C) 714-307-0202  
[richard.j.maher@usps.gov](mailto:richard.j.maher@usps.gov)  
[usps.com/news](http://usps.com/news)

## **Postal Service Approves Relocation of Santa Monica Post Office**

*Retail, PO Box service will move less than a mile away to Carrier Annex*

SANTA MONICA, CA — The U.S. Postal Service (USPS) announced today that it has approved the relocation of the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Santa Monica Carrier Annex, 1653 7<sup>th</sup> St. The two facilities are about .7 of a mile apart.

USPS plans to sell the building at 1248 5<sup>th</sup> St. after operations are relocated. A date for the move has not been determined. There will be no change in Post Office Box numbers or ZIP Code.

Postal Service representatives held a community meeting in Santa Monica on July 19, and a written public comment period was open from June 26 through August 3, to gather public comments. The relocation proposal and all public input received were then forwarded to USPS Headquarters in Washington, D.C., where the final decision was made.

The Santa Monica Post Office relocation and building sale is part of a nationwide response by USPS to right-size its vast network, reduce costs and operate more efficiently in the face of dramatic decreases in mail volume and revenue, and other economic factors. Total mail volume has dropped 20 percent in the past three years.

This decision may be appealed within 15 days to:

Vice President, Facilities  
Pacific Facilities Service Office  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-0200

The Postal Service does not receive tax dollars to fund its operations and facilities.

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**Please Note:** For broadcast quality video and audio, photo stills and other media resources, visit the USPS Newsroom at [www.usps.com/news](http://www.usps.com/news).

A self-supporting government enterprise, the U.S. Postal Service is the only delivery service that reaches every address in the nation — 151 million residences, businesses and Post Office<sup>™</sup> Boxes. The Postal Service<sup>™</sup> receives no tax dollars for operating expenses, and relies on the sale of postage, products and services to fund its operations. With 32,000 retail locations and the most frequently visited website in the federal government, [usps.com](http://usps.com), the Postal Service has annual revenue of more than \$65 billion and delivers nearly 40 percent of the world's mail. If it were a private sector company, the U.S. Postal Service would rank 35th in the 2011 Fortune 500. In 2011, Oxford Strategic Consulting ranked the U.S. Postal Service number one in overall service performance of the posts in the top 20 wealthiest nations in the world. *Black Enterprise* and *Hispanic Business* magazines ranked the Postal Service as a leader in workforce diversity. The Postal Service has been named the Most Trusted Government Agency for six years and the sixth Most Trusted Business in the nation by the Ponemon Institute.

Follow the Postal Service on [www.twitter.com/USPS](http://www.twitter.com/USPS) and at [www.facebook.com/USPS](http://www.facebook.com/USPS)

## EXHIBIT 2

SANTA MONICA POST OFFICE



June 26, 2012

Dear Santa Monica Post Office Box Customer,

The U.S. Postal Service (USPS) is proposing the relocation of the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Santa Monica Carrier Annex building, located at 1653 7<sup>th</sup> St. The Carrier Annex, located less than a mile from the Post Office, currently does not offer public retail service or Post Office Box delivery.

If the move is approved, there would be no change to Post Office Box numbers or ZIP Codes. Post Office Box customers who use the optional street address format under Enhanced PO Box Service would have to change to using the address of the new location.

Customer input on this proposed relocation is welcome. A public meeting will be held to explain the proposal and hear comments from 5 p.m. to 7 p.m. on Thursday, July 19, 2012, at the Ken Edwards Center, 1527 4<sup>th</sup> St. #106, in Santa Monica.

Written comments are also being accepted until Aug. 3, 2012. Please submit written comments to:

Diana Alvarado  
Pacific Facilities Service Office  
U.S. Postal Service  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-8200

The reason behind the proposal is the realignment of USPS infrastructure to a 20-percent drop in total mail volume over the past three years, brought about by the diversion to electronic communication and business transactions. USPS does not receive tax dollars for its operations or facilities, but covers costs solely through the revenue received from the sale of its products and services.

The Postal Service is in a very serious financial situation and is facing insolvency. Every opportunity to reduce expenses and generate revenue is being considered in order to maintain universal service to our customers. If this relocation is approved, USPS anticipates selling the current Santa Monica Post Office building.

Sincerely,

Frank Ocegueda  
Officer-in-Charge





June 26, 2012

## **Notice of Public Meeting and Comment Period for Proposed Relocation of Santa Monica Post Office**

The U.S. Postal Service (USPS) is proposing the relocation of the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Santa Monica Carrier Annex building, located at 1653 7<sup>th</sup> St. The facilities are less than a mile apart.

If the move is approved, there would be no impact on letter carrier delivery to the City's residents and businesses, and no change to Post Office Box numbers or ZIP Codes.

Public input on this proposed relocation is welcome. A public meeting will be held to explain the proposal and hear comments from 5 p.m. to 7 p.m. on **Thursday, July 19, 2012**, at the Ken Edwards Center, 1527 4<sup>th</sup> St. #106, Santa Monica.

Written comments are also being accepted until Aug. 3, 2012. Please submit written comments to:

Diana Alvarado  
Pacific Facilities Service Office  
U.S. Postal Service  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-8200

The reason behind the proposal is the realignment of USPS infrastructure to a 20-percent drop in total mail volume over the past three years, brought about by the diversion to electronic communication and business transactions. USPS does not receive tax dollars for its operations or facilities, but covers costs solely through the revenue received from the sale of its products and services.

The Postal Service is in a very serious financial situation and is facing insolvency. Every opportunity to reduce expenses and generate revenue is being considered in order to maintain universal service to our customers. If this relocation is approved, USPS anticipates selling the current Santa Monica Post Office building.

FOR IMMEDIATE RELEASE  
Jun 26, 2012

Media contact: Richard Maher  
714-662-6350  
[richard.j.maher@usps.gov](mailto:richard.j.maher@usps.gov)  
[usps.com/news](http://usps.com/news)

## **Public meeting to be held July 19 on proposed relocation of Santa Monica Post Office**

SANTA MONICA, CA — The U.S. Postal Service (USPS) is proposing the relocation of the Santa Monica Post Office, located at 1248 5<sup>th</sup> St., to the Santa Monica Carrier Annex building, located at 1653 7<sup>th</sup> St. The Santa Monica Carrier Annex, located less than a mile from the Post Office, currently does not offer public retail service and Post Office Box delivery.

If the move is approved, there would be no impact on letter carrier delivery to the City's residents and businesses, and no change to Post Office Box numbers or ZIP Codes.

Public input on this relocation is welcome. A public meeting will be held to explain the proposal and hear comments at 5 p.m. on Thursday, July 19, 2012, at the Ken Edwards Center, 1527 4<sup>th</sup> St. #106, in Santa Monica.

Written comments are also being accepted until Aug. 3, 2012. Please submit written comments to:

Diana Alvarado  
Pacific Facilities Service Office  
U.S. Postal Service  
1300 Evans Ave. Ste. 200  
San Francisco CA 94188-8200

Plans call for no reduction in service to the residents and businesses of Santa Monica. There are currently three USPS retail facilities in Santa Monica and there will remain three if the relocation is approved and implemented. The other USPS retail facilities are Ocean Park Station at 2720 Neilson Way, and Will Rogers Station at 1217 Wilshire Blvd.

The reason behind the proposal is the realignment of USPS infrastructure to a 20-percent drop in total mail volume over the past three years, brought about by the diversion to electronic communication and business transactions. USPS does not receive tax dollars for its operations or facilities, but covers costs solely through the revenue received from the sale of its products and services.

The Postal Service is in a very serious financial situation and is facing insolvency. Every opportunity to reduce expenses and generate revenue is being considered in order to maintain universal service to our customers. If this relocation is approved, USPS anticipates selling the current Santa Monica Post Office building.

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A self-supporting government enterprise, the U.S. Postal Service is the only delivery service that reaches every address in the nation — 151 million residences, businesses and Post Office™ Boxes. The Postal Service™ receives no tax dollars for operating expenses, and relies on the sale of postage, products and services to fund its operations. With 32,000 retail locations and the most frequently visited website in the federal government, [usps.com](http://usps.com), the Postal Service has annual revenue of more than \$65 billion and delivers nearly 40 percent of the world's mail. If it were a private sector company, the U.S. Postal Service would rank 35th in the 2011 Fortune 500. In 2011, Oxford Strategic Consulting ranked the U.S. Postal Service number one in overall service performance of the posts in the top 20 wealthiest nations in the world. *Black Enterprise* and *Hispanic Business* magazines ranked the Postal Service as a leader in workforce diversity. The Postal Service has been named the Most Trusted Government Agency for six years and the sixth Most Trusted Business in the nation by the Ponemon Institute.

Follow the Postal Service on [www.twitter.com/USPS](http://www.twitter.com/USPS) and [www.facebook.com/USPS](http://www.facebook.com/USPS)

# EXHIBIT 3



**Corrected Final Decision  
Relocation of Retail Services In Santa Monica, California  
October 4, 2012**

In accordance with the procedures set forth at 39 C.F.R. 241.4, this is the final decision of the United States Postal Service ("Postal Service") with respect to the relocation of retail services from the Santa Monica Main Post Office at 1248 5<sup>th</sup> Street ("Santa Monica Post Office") to the Santa Monica Carrier Annex at 1653 7<sup>th</sup> Street ("Santa Monica Carrier Annex"). The Postal Service announced its decision to relocate retail services on August 15, 2012. The Postal Service received requests for review from the City of Santa Monica; the Santa Monica Conservancy; the Wilshire Montana Neighborhood Coalition; the Los Angeles Conservancy; the North of Montana Association, and approximately forty postal customers (collectively referred to as "customers"). I have carefully considered all of the concerns expressed in each of the requests for review along with the complete project file relating to the relocation proposal. While I am sympathetic to the concerns raised, for the reasons set forth below, I will not set aside the Postal Service's initial decision.

The concerns raised by the organizations and customers can be grouped into the following areas: (1) impact on historic resources; (2) closure vs. relocation; and (3) negative impact the loss of services in the Santa Monica Post Office will have on the community. Each of these issues is addressed below:

**I Historic Resources**

The Santa Monica Post Office was constructed in 1937 and is eligible for listing in the National Register of Historic Places. The organizations and customers express concern that the building will be sold into private ownership and the building's historic features will not be preserved. There is also concern regarding the applicability of Section 106 of the National Historic Preservation Act ("NHPA").

NHPA requires federal agencies to take into account the effects of their proposed undertakings on historic properties, and when such effects are possible, to initiate and complete the Section 106 consultation process. Section 106 review ensures that federal agencies consider historic properties, along with other factors such as cost and agency mission, in the planning process of proposed undertakings. However, the preservation of every historic property is not the goal of Section 106, nor does Section 106 require a business to continue to operate in a historic property.

NHPA does not apply to this decision to relocate because the relocation of retail services is not an "undertaking" within the meaning of Section 106. An undertaking is a

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"project, activity or program" that can result in changes in character or use of historic properties. The relocation of retail services does not alter the character of the Santa Monica Post Office building nor does it change the uses that can be made of the property. There will be no "undertaking" within the meaning of the NHPA until the Postal Service proceeds with the transfer of the Post Office building from Postal Service ownership to private ownership.

## **II. Closure versus Relocation**

The City of Santa Monica asserts that the decision to relocate the Santa Monica Post Office is a consolidation and should be reviewed in accordance with the procedures for discontinuance of a Post Office set forth in 39 C.F.R. 241.3. Moving the retail services currently located at the Santa Monica Main Office to the Santa Monica Carrier Annex falls under 39 C.F.R. 241.4 and is considered to be a relocation because customers will continue to have the same level of access to retail services in the community after retail services are transferred to the Santa Monica Carrier Annex. Moreover, the Annex is only 0.8 mile away from the Santa Monica Post Office. The Carrier Annex's array of service will be expanded to include retail service in light of the relocation. Hence, these factors make clear that this action is a relocation. The Postal Service took similar actions in Ukiah, California, and Venice, California, and the Postal Regulatory Commission affirmed the Postal Service's treatment of these actions as relocations.

## **III. Impact on the Community**

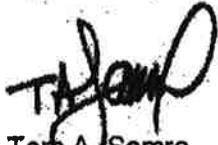
The customers and organizations argue that the relocation of the retail services will result in loss of pedestrian access to postal services because they believe the new location is inaccessible for walking customers and is inconvenient for those who rely on public transit. Neither of these concerns is valid. The Santa Monica Carrier Annex is approximately 0.8 of a mile from the Santa Monica Post Office and is readily accessible to pedestrians via paved sidewalks. The Santa Monica Carrier Annex is also accessible by public transit as a bus station is directly across the street. The construction of the light rail system will not impede customer access by foot or car. The Santa Monica Carrier Annex will provide customers on site and on street parking. The current location does not have customer parking. The new location is accessible to pedestrians, those who take public transit and those who drive vehicles. The new location also has more energy efficient building systems, and accommodates the retail counters and post office boxes without expansion of the building. Additionally, the Santa Monica Carrier Annex also provides for safer and better large truck access at the loading platform. The Postal Service will realize an annual cost savings of \$336,179 by moving retail services into the Santa Monica Carrier Annex. The annual cost savings takes into consideration the cost of relocation, which is offset by savings from utilities and maintenance labor.

In reaching this decision, I considered all of the public input received, but the objections expressed do not outweigh the practical and operational benefits for both the Postal

- 3 -

Service and its customers, as well as the financial exigencies facing the Postal Service. With current projections for declining mail volume and the financial condition of the Postal Service, the Postal Service has a duty to make any feasible change to reduce costs and generate revenue. As our customers are no doubt aware, the Postal Service is sustained by the sales of its products and services. It has an obligation to match its retail and distribution networks to the demand for its services from customers. While the Postal Service is not insensitive to the impact of this decision on its customers and the Santa Monica community, the relocation of the Santa Monica Post Office is in the best interest of the Postal Service and its customers.

Accordingly, I conclude that there is no basis to set aside the decision to relocate the Santa Monica Post Office, 1248 5<sup>th</sup> Street, to the Santa Monica Carrier Annex, 1643 7<sup>th</sup> Street. This is the final decision of the Postal Service with respect to this matter, and there is no further right to administrative or judicial review of this decision.



Tom A. Samra  
Vice President  
Facilities

# EXHIBIT 4



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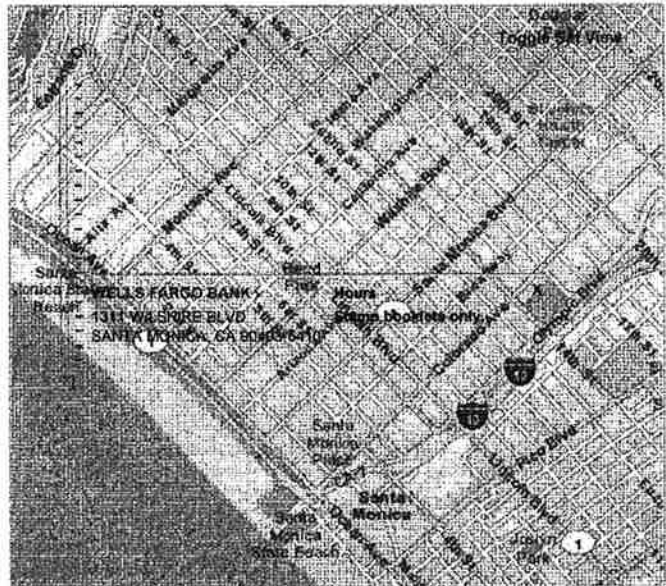
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DIST	LOCATION	APPROVED POSTAL PROVIDER HRS
0.2 mi	<b>WELLS FARGO BANK</b> > 710 BROADWAY SANTA MONICA, CA 90401-2608 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.2 mi	<b>US BANK</b> > 201 SANTA MONICA BLVD STE 101 SANTA MONICA, CA 90401-2229 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.2 mi	<b>VONS</b> > 710 BROADWAY SANTA MONICA, CA 90401-2608 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.2 mi	<b>WELLS FARGO BANK</b> > 1300 4TH ST SANTA MONICA, CA 90401-1369 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.3 mi	<b>YE OLDE KING'S HEAD SHOPPE</b> > 132 SANTA MONICA BLVD SANTA MONICA, CA 90401-2202 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.3 mi	<b>CVS</b> > 1411 LINCOLN BLVD SANTA MONICA, CA 90401-2732 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.8 mi	<b>VONS</b> > 1311 WILSHIRE BLVD SANTA MONICA, CA 90403-5410 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
0.8 mi	<b>WELLS FARGO BANK</b> > 1311 WILSHIRE BLVD SANTA MONICA, CA 90403-5410 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
1.0 mi	<b>PAVILIONS</b> > 820 MONTANA AVE SANTA MONICA, CA 90403-1503 800-ASK-USPS® (800-275-8777)	Stamp booklets only.
1.0 mi	<b>STAPLES</b> > 1610 WILSHIRE BLVD SANTA MONICA, CA 90403-5508 800-ASK-USPS® (800-275-8777)	Stamp booklets only.

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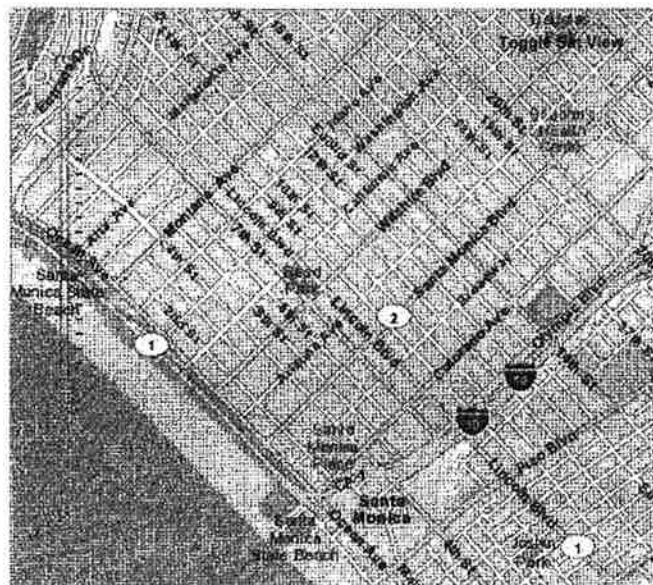
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DIST	LOCATION	APPROVED POSTAL PROVIDER MRS
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1.0 mi	<b>WELLS FARGO BANK &gt;</b> 900 MONTANA AVE SANTA MONICA, CA 90403-1505 800-ASK-USPS® (800-275-8777) <b>Stamp booklets only.</b>	
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5 miles

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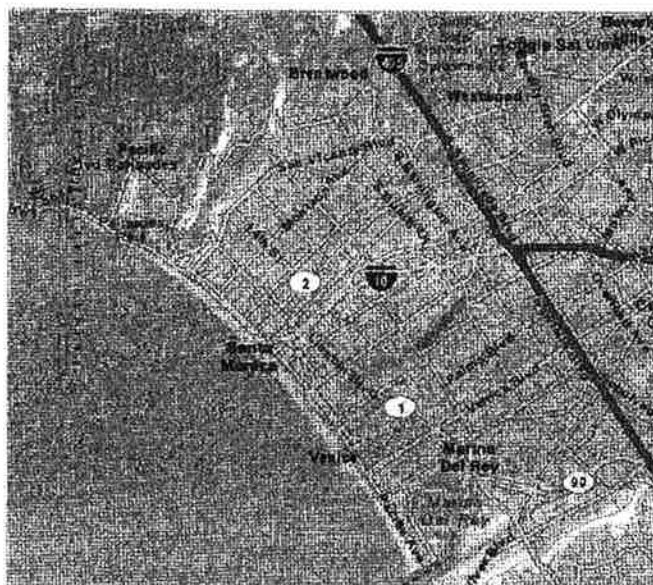
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DIST	LOCATION	HOURS
0.3 mi	<b>SANTA MONICA</b> › 1248 6TH ST SANTA MONICA, CA 90401-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 6:00pm Sat 9:00am - 3:00pm Sun Closed Lot Parking Available
0.8 mi	<b>WILL ROGERS</b> › 1217 WILSHIRE BLVD SANTA MONICA, CA 90403-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 7:00pm Sat-Sun Closed Lot Parking Available
1.2 mi	<b>OCEAN PARK</b> › 2720 NEILSON WAY FL 1 SANTA MONICA, CA 90405-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 5:00pm Sat-Sun Closed Lot Parking Available
2.2 mi	<b>VENICE</b> › 313 GRAND BLVD VENICE, CA 90291-9993 800-ASK-USPS® (800-275-8777)	Mon-Fri 8:30am - 5:30pm Sat 9:00am - 3:00pm Sun Closed Lot Parking Available
2.7 mi	<b>PACIFIC PALISADES</b> › 15209 W SUNSET BLVD PACIFIC PALISADES, CA 90272-9995 800-ASK-USPS® (800-275-8777)	Mon-Thu 8:30am - 5:00pm Fri, Sun Closed Sat 9:00am - 3:00pm
3.1 mi	<b>WEST LOS ANGELES FINANCE</b> › 11420 SANTA MONICA BLVD LOS ANGELES, CA 90025-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 8:30am - 5:30pm Sat 8:30am - 3:30pm Sun Closed Street Parking Available
3.2 mi	<b>VETERANS ADMINISTRATION</b> › 11301 WILSHIRE BLVD LOS ANGELES, CA 90073-9998 800-ASK-USPS® (800-275-8777)	
3.3 mi	<b>RANCHO PARK</b> › 11270 EXPOSITION BLVD FL 1 LOS ANGELES, CA 90064-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 6:00pm Sat 9:00am - 5:00pm Sun Closed Lot Parking Available
3.3 mi	<b>WEST LOS ANGELES</b> › 11270 EXPOSITION BLVD FL 2 LOS ANGELES, CA 90064-3150 800-ASK-USPS® (800-275-8777)	
3.4 mi	<b>MAR VISTA</b> › 3826 GRAND VIEW BLVD LOS ANGELES, CA 90066-9996 800-ASK-USPS® (800-275-8777)	Mon-Thu 8:30am - 6:00pm Fri 9:00am - 3:00pm Sat 8:30am - 6:00pm Sun Closed Street Parking Available

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DIST	LOCATION	HOURS
3.7 mi	<b>BARRINGTON</b> › 200 S BARRINGTON AVE LOS ANGELES, CA 90049-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 8:00am - 5:00pm Sat 8:30am - 3:30pm Sun Closed Street Parking Available
3.8 mi	<b>VILLAGE</b> › 11000 WILSHIRE BLVD LOS ANGELES, CA 90024-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 8:30am - 5:30pm Sat-Sun Closed Street Parking Available
3.8 mi	<b>MARINA DEL REY</b> › 4786 ADMIRALTY WAY MARINA DEL REY, CA 90292-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 8:30am - 7:00pm Sat 9:00am - 6:00pm Sun Closed
3.9 mi	<b>WESTSIDE PAVILION</b> › 10900 W PICO BLVD STE 289 LOS ANGELES, CA 90064-2175 800-ASK-USPS® (800-275-8777)	Mon-Fri 10:00am - 5:30pm Sat 10:00am - 3:00pm Sun Closed Street Parking Available
4.5 mi	<b>PLAYA DEL REY</b> › 215 CULVER BLVD PLAYA DEL REY, CA 90293-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 5:00pm Sat-Sun Closed Lot Parking Available
4.7 mi	<b>PALMS</b> › 3751 MOTOR AVE LOS ANGELES, CA 90034-9998 800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 6:00pm Sat 9:00am - 5:00pm Sun Closed

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